REMARKS

A Request for Continued Examination (RCE) accompanies this amendment. An information disclosure statement accompanies this RCE.

These remarks are made responsive to the final office action mailed May 12, 2008. Claims 1-15 and 22-25 are pending in this application. Claim 25 has been amended.

Claim Objection

Claim 25 has been amended to replace "to: to" with "to".

It is respectfully requested that the objection be withdrawn.

35 U.S.C. 103(a)

Claims 1-15, 22-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra et al. 6,490,627 (hereafter "Kalra") in view of Goetz et al. US Patent 6,490, 627 (hereafter "Goetz") in further view of US Pub. No. 2004/0070786 Molteno (hereafter "Molteno").

The pending claims are now claims 1-15 and 22-25.

Claim 1 recites:

A communications method in an interactive session comprising:
arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability;
organizing the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist;
organizing the scalable media data into a plurality of subparts;
receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data, wherein at least two of the participants support different levels of scalability for the media data;
retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants; and
communicating the subparts at the retrieved levels of scalability to respective ones of the participants.

The final action indicated that Kaltra does not explicitly teach "arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a

level of scalability;" nor "organizing the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist;" nor "retrieving from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants."

Kaltra in view of Goetz is relied upon for teaching these elements. However, none of the references, Molteno included, teach or suggest a content independent indexable data structure format. Goetz teaches that "The server may then stream the units of multimedia information to the client at a streaming rate and adapt the streaming rate of the streaming in response to the importance information and in response to the inferred network conditions." (See Goetz, Abstract). The importance information is content dependent as it varies for different units of multimedia information.

The file format discussed in Goetz is not a bit stream, but a convenient storage format for the server to retrieve media type information from when preparing to stream data to an end user. "The file format allows multiple instances of a single media type to be stored in the file. Multiple instances of a single media type may be desirable for supporting alternate encodings of the same media type, for example, an audio segment in multiple languages. .... For example, with the audio media type, an instance may involve the entire soundtrack in French or the entire soundtrack encoded at a particular rate." Col. 4, line 65 to col. 5, line 9.

"More specifically, the file header 110 includes a file header preamble 210 and a number of media instance descriptors 220, shown in FIG. 2A. .... As shown in more detail in FIG. 2C, each media instance descriptor 220 includes a variety of fields 221-225 which are used to describe and identify a media instance. ... The media instance descriptor 220 also includes a field 222 indicating the media type of the corresponding media block, for example, video, audio, MIDI, and other existing and future media types. Field 223 indicates the encoding type of the corresponding media block, for example, H.263, H.261, MPEG, G.723, MIDI, and other standard or proprietary encoding types." Col. 5, lines 39-67.

Based on the media types and particular instances of those media types selected by the user, the server constructs data structures based on the specific content information in the media instance descriptors, in other words indexing is done based

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on content dependent information such as fields 222 (media type), 223 (encoding type) and 224 (corresponding sub-type). (See col. 6, lines 31-40).

Being able to organize data in accordance with scalability independent of the content is not disclosed in any of these references. As previously noted, Kaltra discusses its invention in the context of the MPEG standard. The invention of claim 1 does not need to concern itself with an aspect of the content such as whether it is being encoded in the MPEG standard or not. For example, as further described in amended dependent claims 4, 8, and 9, "transcoding operations can be performed without knowledge of the data content, for example without having to decrypt or decode the media data."

In line with this, "retrieving from the bit stream using the format of the *content independent indexable data structures* [emphasis added] respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants" is also not disclosed or suggested by the combination of Kaltra in view of Goetz in further view of Molteno.

The arguments with respect to claim 1 are applicable for illustrating why its dependent claims are also patentable over this combination.

The arguments with respect to claim 1 are applicable for illustrating why the other pending independent claims 10 and 22 and their respective dependent claims are also patentable over this combination.

Conclusion

In light of the arguments and amendments presented above, the pending claims as amended are in condition for allowance, and applicants respectfully request a prompt notice of allowance.

Date: Oct. 14, 2008   Respectfully Submitted on Behalf of Applicants

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